

## ABSTRAK

Pertanggungjawaban pidana atau kesalahan dikenal melalui asas tidak dipidana jika tidak ada kesalahan. Kesalahan sendiri memiliki empat unsur. Diantaranya unsur tindak pidana dan tanggung jawab yang melahirkan kesalahan. Dalam rumusan tindak pidana dikenal rumusan delik materiil yang sangat terkait dengan ajaran kausalitas. Dalam ajaran kausalitas atau *Conditio Sine Qua Non* dikenal adanya tiga teori. Teori kausalitas yang sangat dekat dengan pertanggungjawaban pidana adalah teori individualisir, yakni penyebab terdekat yang mengakibatkan dilarangnya perbuatan tersebut. Penyebab terdekat inilah yang bertanggungjawab dan baginya dapat diterapkan pidana.

Kejadian yang menimpa dua bocah meninggal dan satu luka berat akibat granat yang diambil dari lapangan tembak TNI yang dipukul-pukul oleh korban dan akhirnya meledak lalu menewaskan korban, penyebab terdekat dalam hal ini adalah meledaknya granat yang disebabkan oleh ulah atau perbuatan korban sendiri. Jadi pasal 359 KUHP tidak dapat diterapkan terhadap siapapun.

Karena granat adalah barang langka yang ditemukan di area latihan militer, seharusnya lembaga TNI terkait memenuhi ketentuan PP No 68 tahun 2014 tentang Penataan Wilayah Pertahanan Negara.

**KATA KUNCI** : Rumusan delik materiil, ajaran kausalitas, pertanggungjawaban pidana / kesalahan.

## ABSTRACT

*Criminal liability or mistakes are known through the principle of not being convicted if there are no errors. While mistakes themselves have four elements. Among the elements of crime and responsibility that gave birth to mistakes. In the formulation of a criminal offense, the formulation of material offense is very much related to the teachings of causality. In the teachings of causality or Conditio Sine Qua Non there are three theories known. The theory of causality that is very close to criminal liability is the theory of individualization, which is the closest cause that results in the prohibition of the act. The closest cause is the one responsible and for him to be applied criminal.*

*Two children died and one was seriously injured as a result of a grenade obtained from the TNI shooting range which was beaten by a victim and finally exploded and killed, the closest cause in this case was the explosion of a grenade caused by the act or the victim's own actions. So article 359 of the Criminal Code cannot be applied to anyone.*

*Because grenades are rare items found in military training areas, the relevant TNI institutions should comply with the provisions of PP No. 68 of 2014 concerning the Arrangement of National Defense Areas.*

**KEYWORDS :** *Formulation of material offense, teachings on causality, criminal liability / error.*